

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONNA M. SCHELLENBERGER,

Plaintiff,

vs.

MARK ROSENBLATT, and OAKWOOD  
VENTURES,

Defendants.

**8:21CV238**

**SHOW CAUSE ORDER**

This matter comes before the court after a review of the court file. Plaintiff commenced this action on June 23, 2021 (Filing No. 1), and the Clerk of the Court issued summons for Defendants Mark Rosenblatt and Oakwood Ventures. The summonses were initially sent to Daniel Cianchetta at Benesch law firm. The undersigned issued a show cause order stating that Plaintiff had now shown why the court should interpret service of the lawsuit on Cianchetta as service on Defendants. (Filing No. 12). Plaintiff responded to the show cause order, but the court found Plaintiff had not shown cause for failure to serve Defendants. Plaintiff was given 45 additional days to achieve service in accordance with Fed. R. Civ. P. 4(m). Plaintiff filed a motion requesting additional time to serve Defendants. Plaintiff's motion was granted and the service deadline was extended to January 3, 2022. (Filing Nos. 15, 16).

Although there has been no return of service filed indicating service on Defendant Rosenblatt, he filed a motion to dismiss for failure to state a claim on December 20, 2021. (Filing No. 20). This motion is pending as of the date of this order.

On December 2, 2021, Plaintiff filed an executed summons return purportedly showing service on Defendant Oakwood Ventures by first class mail sent to Defendant's registered agent on November 26, 2021. A signed receipt was returned. No answer or other responsive pleading has been filed by Oakwood Ventures and Plaintiff has taken no further action to prosecute the claims against Oakwood Ventures.

Accordingly,

IT IS ORDERED that Plaintiff shall have until February 16, 2022 to show cause why the claims against Oakwood Ventures should not be dismissed for want of prosecution. The failure to timely comply with this order may result in dismissal of the claims against Oakwood Ventures without further notice.

Dated this 26th day of January, 2022.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge